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October 13, 2020

VIA ECF

Honorable Colleen McMahon
Chief Judge
U.S District Court for the Southern District of New York
500 Pearl Street, Rm. 2550
New York, New York 10007

Re: J.T., et al. v. Bill de Blasio, et al., 20 CV 5878 (CM)

Dear Chief Judge McMahon:

I am an attorney admitted to practice before the U.S. District Court for the Southern District of New York, and I represent Defendant Omaha Public School District ("OPS") in the above-referenced matter. I write to respectfully request an extension of time to file a responsive pleading to the complaint. OPS was properly served with the complaint on October 1, 2020, so the deadline to file a responsive pleading is October 22, 2020. I respectfully request that the deadline for OPS to file a responsive pleading to the complaint be extended by twenty one days from October 22, 2020, to November 12, 2020.

I understand the Court issued an Order to Show Cause on September 2, 2020, ordering the Plaintiffs to brief the Court on the propriety of exercising personal jurisdiction over the out-of-state school districts, and the Plaintiffs responded on September 11, 2020. The Plaintiffs' response, however, comes nowhere close to showing that any other out-of-state school district, including OPS, is subject to the Court's personal jurisdiction. Additionally, the Plaintiffs' complaint does not establish the Court's subject-matter jurisdiction over their claims, it does not establish that the Southern District of New York is a proper venue, and it fails to allege a plausible claim against OPS. In light of these deficiencies, which are apparent on the face of the complaint, OPS is preparing to submit a motion to dismiss under Rules 12(b)(1), (2), (3), and (6) of the Federal Rules of Civil Procedure with an accompanying brief. An additional twenty one days to do so will allow OPS to more fully and adequately brief the Court on the various grounds which merit dismissal.

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This is OPS's first request for an extension of time, and counsel for the plaintiffs consented to the requested extension by email on October 12, 2020. As far as I can tell, the requested extension would not affect any other scheduled dates.

Thank you for your consideration of this request.

Respectfully submitted,



Jeremiah C. Hollembeak
FOR THE FIRM

CERTIFICATION

I certify that on October 13, 2020, I caused the foregoing Appearance of Counsel to be filed on the docket in the above-captioned case through the Court's Electronic Case Filing (ECF) System. In accordance with Section 9.1 of the SDNY Case Filing Rules & Instructions, service was completed when such filing triggered an automatic notification of electronic filing of the Appearance of Counsel to be sent to all counsel of record by electronic mail. This filing can be accessed on the case docket via ECF.